of the law is a duty and not a special privilege, and that the Legislature had the right to delegate its power of appointment to such persons, associations and corporations as it saw fit. That the personnel of the Board might be composed entirely of members of but one school, and that any one of the three, or of any proportion of these three schools. Numerous decisions on the point, from cases in other states, were cited. To the second point the answer made was that the Examiners are public officials and sworn to do their duty impartially; and that the clause allowing the Board to register without examination Dr. A., and refuse to register without examination Dr. B., both from the same State and having the same credentials, is exactly identical with a similar clause in the Code governing the admittance of lawyers to practice law, in which the discretionary right to admit without examination, or to require an examination, at its pleasure, is vested in the Supreme Court, in dealing with those who enter this State to practice law, having been admitted to the bar of another State. Mr. Hodghead, attorney for a regular medical school located in San Francisco, which is also suing the Board on a question of the constitutionality of the act, appeared and asked to file a brief in the present suit, as some points had been raised which were involved in the suit already pending in the lower court. The Court allowed ten days for the attorneys on both sides to file amended briefs.

NEW LAWS OR OLD?

About 2250 B. C., Hammurabi, King of Babylonia, established certain laws which he embodied into a code, inscribed upon stone stelæ, and set up in the principal cities of his domain. We are rather inclined to look upon medical legislation as somewhat modern; that is because we do not know any better. In Hammurabi's time, medicine was specialized; surgery was a distinct branch of the science; quacks and pretenders were known and legislated against. From advance sheets of a translation of these laws by Prof. Harper, President of the University of Chicago, we read: "If a physician operates on a man (*please note that the physician did not 'operate a case' in Hammurabi's time!!*) for a severe wound with a bronze lancet and saves the man's life, or if he opens an abscess (in the eye) of a man with a bronze lancet, and saves that man's eye, he shall receive ten shekels of silver (as his fee)." But, under the same circumstances, if he causes the man's death, or destroys the man's eye, "they shall cut off his fingers." That would tend to discourage unskilled operators and experimental operations. In 1508 the Royal College of Surgeons was authorized by charter to examine those who would practice medicine and physic, and to issue license to those who were found qualified. This would not have been done had it not been found necessary, nor would Hammurabi, 4154 years ago, have had need to discourage quacks, had they not existed. Yet, in this year of grace 1904, there come those who practice medicine and physic, and they stand before the highest court in the State, in the persons of their attorneys, and say they prefer to have no law governing the practice of medicine. This is indeed a progressive age, when educated men will strive to put the commonwealth back of the time of Babylonia; to make us lose what has been gained in 4154 years!

A VITAL QUESTION.

One of our youngest component societies—Merced County Medical Society—discussed, at its first meeting, one of the most vital questions in the whole range of medicine: The status and abuse of the secret proprietary preparation. This involves the right of the physician to imperil the life of his trusting patient by giving him, as medicine, stuff, the composition of which no one knows save the unlicensed maker. At a recent annual meeting of the state society of an Eastern State, the President, in his address, deplored the fact that drugstore prescription files disclosed the fact that nearly one-half the physicians, who should know better, were either writing for out-and-out nostrums, or for the nearly as bad proprietary mixture, of which the exact composition is unknown. "Why cannot physicians write their own prescriptions?" Why, indeed! Why should they, who, in many cases, refuse to wear ready-made clothing, prescribe misfit ready-made medicine of unknown composition? That question is consigned, by most people, to the same category as the query as to the composition of Frankfurters. Yet the solution of the former question is far less difficult than that of the latter. The reason is that the manufacturer of this stuff possesses no circulating medium other than monetary, and no heart save one branded and patterned with dollar and cent marks. Also, he is a wily business man, and he has hundreds of tricky and unscrupulous ways of using the medical profession as an advertising bureau, and of prostituting physicians to his own nefarious ends. The only glimmer of hope comes from a recognition of the truth of Lincoln's statement that "you cannot fool all the people all the time." The subject is suggested as a profitable one for other county societies to discuss. A safe rule to follow is to solely prescribe perfectly known drugs and medicines; and if a manufacturer declines to advertise the ingredients or the formula of his preparations, conscientious physicians can do nothing less than refuse to prescribe them.